

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CYMEYON V. HILL,

Plaintiff,

v.

GREEN,

Defendant.

No. 2:21-CV-2077-WBS-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 7, for leave to proceed in forma pauperis.

Plaintiff has not submitted a declaration that makes the showing of indigency required by 28 U.S.C. § 1915(a). In particular, a review of Plaintiff's inmate trust account statement, ECF No. 9, reflects that Plaintiff has \$3,934.17 in available funds, which is sufficient to pre-pay the filing fees for this case.

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1 Based on the foregoing, the undersigned recommends that Plaintiff's motion, ECF
2 No. 7, for leave to proceed in forma pauperis be denied and that this action be dismissed without
3 prejudice to refiling upon pre-payments of the filing fees therefor.

4 These findings and recommendations are submitted to the United States District
5 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
6 after being served with these findings and recommendations, any party may file written objections
7 with the Court. Responses to objections shall be filed within 14 days after service of objections.
8 Failure to file objections within the specified time may waive the right to appeal. See Martinez v.
9 Ylst, 951 F.2d 1153 (9th Cir. 1991).

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11 Dated: December 1, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE